

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

M WAIKIKI LLC,

Plaintiff,

v.

MARRIOTT HOTEL SERVICES, INC., I.S.
INTERNATIONAL, LLC and IAN
SCHRAGER,

Defendants,

1:11-cv-06488-BSJ

(Removed from the Supreme Court for
the State of New York, County of New
York Case No. 651457/2011)

Oral Argument Requested

MARRIOTT HOTEL SERVICES, INC.,

Counterclaim-Plaintiff,

v.

M WAIKIKI LLC,

Counterclaim-Defendant.

**MARRIOTT HOTEL SERVICES, INC.'S NOTICE OF MOTION
FOR ABSTENTION, REMAND, AND COSTS**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Brian J. Fischer, exhibits annexed thereto, and Memorandum of Law, Defendant and Counterclaim-Plaintiff Marriott Hotel Services, Inc. ("Marriott"), by its undersigned attorneys, will move this Court, before the Honorable Barbara S. Jones, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an Order abstaining from hearing this case and remanding it to the New York State Supreme Court pursuant to 28 U.S.C. § 1334(c)(2), or, in the alternative 28

U.S.C. §§ 1334(c)(1) and 1452(b), and awarding Marriott the costs, expenses, and attorneys' fees incurred in making this motion pursuant to 28 U.S.C. § 1447(c).

PLEASE TAKE FURTHER NOTICE that, in accordance with Rule 6.1(b) the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, any opposing affidavits and answering memoranda of law shall be filed within fourteen days after the service of this motion.

Dated: October 14, 2011
New York, New York

RESPECTFULLY SUBMITTED,

/s/
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